

IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MARION MISIAK and  
MARY BETH MISIAK

Plaintiffs,

v.

MORRIS MATERIAL HANDLING,  
INC., et al.

Defendants.

No. 07 C 6330

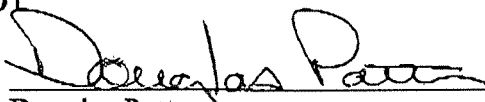
Honorable Judge John W. Darrah

**AFFIDAVIT**

I, Douglas Patton, being duly sworn upon oath, state as follows:

1. I am the Plant Safety Administrator at UTLX Manufacturing, Inc. in East Chicago, Indiana. I have personal knowledge of the statements made in this affidavit unless stated to be upon information and belief.
2. Plaintiff Marion Misiak was a welder/fabricator in the jacket shop at Union Tank Car Company's East Chicago facility.
3. As part of the manufacturing process, it is the function of the jacket shop to insulate railroad tank cars and cover the insulation with an outer shell or jacket.
4. On November 7, 2006, upon information and belief, Misiak was struck by the metal jacket of a tank car, five pieces of plate welded together end on end, which fell from an overhead crane while he was working in the jacket shop.

FURTHER AFFIANT SAYETH NOT

  
\_\_\_\_\_  
Douglas Patton

Subscribed and sworn to  
Before me this \_\_\_\_\_ day of May, 2008.

\_\_\_\_\_  
Notary Public

